

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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BOARD OF TRUSTEES OF THE INSURANCE
ANNUITY, SCHOLARSHIP, AND APPRENTICESHIP
TRAINING FUNDS OF SHEETMETAL WORKERS'
INTERNATIONAL ASSOCIATION, LOCAL UNION NO.
137,

Plaintiffs,

-vs.-

LIBERTY SIGNS. INC.,

Defendant.

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APPEARANCES:

Spivak Lipton LLP

Attorneys for the plaintiffs

1700 Broadway

New York, NY 10019

By: Gillian Costello, Esq., Of Counsel

NO APPEARANCE:

Liberty Signs, Inc.

SPATT, District Judge.

On April 20, 2010, the plaintiffs commenced this action against the defendant seeking to collect delinquent employee benefit plan contributions owed by the defendant. On February 9, 2011, the Court entered a default judgment against the defendant Liberty Signs, Inc. and referred the matter to United States Magistrate A. Kathleen Tomlinson for an inquest as to damages, including reasonable attorneys' fees and costs. On August 30, 2011, Judge Tomlinson issued a Report and Recommendation (the "Report") recommending that the Court award the plaintiffs damages as follows: (1) \$3,502.56 for unpaid benefits; (2) \$554.57 in interest on the unpaid benefits; (3) \$700.51 in liquidated damages; and (4) \$2,445 in attorney's fees and costs. To date, there have been no objections filed to the Report.

ORDER

10-CV-1737 (ADS) (AKT)

In reviewing a report and recommendation, a court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. §636(b)(1)(C). “To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” Wilds v. United Parcel Serv., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (citing Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)). The Court has reviewed Judge Tomlinson’s Report and finds it be persuasive and without any legal or factual errors. There being no objection to Judge Tomlinson’s Report, it is hereby

ORDERED, that Judge Tomlinson’s Report and Recommendation is adopted in its entirety. The Court awards the plaintiffs: (1) \$3,502.56 for unpaid benefits; (2) \$554.57 in interest on the unpaid benefits; (3) \$700.51 in liquidated damages; and (4) \$2,445 in attorney’s fees and costs, and it is further

ORDERED, that the Clerk of the Court is directed to enter judgment in favor of the plaintiffs in the amount of \$7,202.64, and it is further

ORDERED, that the Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: Central Islip, New York
September 19, 2011

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge